

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PALISADES ESTATES EOM, LLC, NEWBURGH EOM LLC d/b/a
CROSSROADS HOTEL, RATAN NEWBURGH LLC d/b/a RAMADA
by WYNDHAM, SOUTH ROAD HOSPITALITY, LLC, HUDSON
CONFERENCE CENTER, LLC, ROUTE 9 HOTEL LLC, SAI RAM
MANAGEMENT LLC, SANDIP PATEL, RAPID RELIABLE TESTING
NY LLC, AIMS NEWBURGH MANAGEMENT LLC, AIMS
ORANGEBURGH MANAGEMENT LLC, CWP SYRACUSE I LLC,
and ES ALBANY LLC,

Plaintiffs,

v.

COUNTY OF ROCKLAND, et al.,

Defendants.

Case No. 7:23-cv-04215

**AFFIDAVIT OF
MAHESH RATANJI
IN SUPPORT OF
MOTION FOR A
PRELIMINARY
INJUNCTION**

STATE OF NEW JERSEY)
) ss.:
COUNTY OF HUDSON)

MAHESH RATANJI, being duly sworn, deposes and says:

1. I am a member of Ratan Newburg LLC, the operator of the hotel known as the Ramada by Wyndham Newburgh/West Point (the “Ramada”), located in Newburgh, New York (in Orange County). I have personal knowledge of the facts and circumstances set forth herein and submit this affidavit in support of Plaintiffs’ motion for a preliminary injunction.

A. The Ramada Agrees to Accommodate Asylum Refugees

2. The Ramada agreed to rent hotel rooms to accommodate approximately 185 migrants and asylum seekers (together, “Asylum Refugees”) as part of an arrangement with the City of New York. As part of this arrangement, the City of New York agreed to rent rooms and provide food, laundry, and a full array of medical and social services for the Asylum Refugees staying at the Ramada.

3. To date, the Ramada has rented 43 rooms for the purpose of accommodating Asylum Refugees.

4. However, the Ramada is now unable to accommodate additional Asylum Refugees, as Orange County has taken actions to interfere with and prevent performance of the Hotel's agreement.

B. Orange County Acts to Preclude the Accommodation of Asylum Refugees

5. After the Ramada agreed to accommodate Asylum Refugees, the Orange County Executive declared a State of Emergency and issued Executive Order No. 1 of 2023 (the "Orange Executive Order"), which I understand was issued on or about May 8, 2023. A copy of the Orange Executive Order is annexed to the accompanying declaration of Todd E. Soloway as Exhibit E.

6. The Orange Executive Order directs that "all hotels, motels and/or any facilities allowing short term rentals do not accept said migrants and/or asylum seekers for housing within Orange County." The Orange Executive Order further notes that "through enforcement of local zoning codes, said migrants and/or asylum seekers will face refusal, or eviction."

C. Orange County Commences Litigation Against the Ramada to Prevent it from Accommodating Asylum Refugees

7. On or about May 12, 2023, Orange County commenced two legal actions in the Rockland County Supreme Court against the Ramada, among other parties, captioned (a) *County of Orange, et al. v. City of New York, et al.*, Index No. EF003109-2023 (the "Petition Action"), and (b) *County of Orange, et al. v. Crossroads Hotel, et al.*, Index. No. EF003107-2023 (the "Complaint Action"). In the Petition Action, Orange County seeks to enforce the Orange Executive Order, including by and through the enforcement of the local zoning laws of the Town of Newburgh (in which the Ramada is located), and alleges, *inter alia*, that by accommodating Asylum Refugees, the Ramada is operating as an "unregulated homeless shelter." On or about May

16, 2023, the Orange County Supreme Court issued a temporary restraining order in the Petition Action, enjoining the Ramada from accommodating Asylum Refugees. On or about June 20, 2023, the Orange County Supreme Court issued a preliminary injunction.

8. In the Complaint Action, Orange County similarly seeks to enforce the Orange Executive Order, and alleges, *inter alia*, that the Ramada is operating a “temporary homeless shelter.” On or about May 17, 2023, the Orange County Supreme Court issued a temporary restraining order in the Complaint Action, enjoining the Ramada from providing accommodations to Asylum Refugees. That case was removed to federal court on May 22, 2023, and Orange County’s motion for a preliminary injunction remains outstanding.

**D. The Ramada is Enjoined from Making Accommodations
Available to Asylum Refugees**

9. As a result of the Orange Executive Order, the temporary restraining order, and now the preliminary injunction issued by the Orange County Supreme Court in the Petition Action, the Ramada has not been able to make rooms available to additional Asylum Refugees.

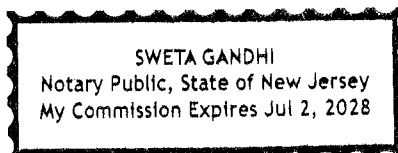
WHEREFORE, it is respectfully requested that the Court grant the motion in its entirety,
along with such other and further relief as is just and proper.

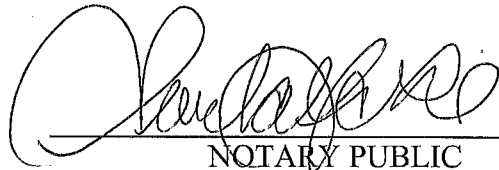

MAHESH RATANJI

UNIFORM, ALL PURPOSE CERTIFICATE OF ACKNOWLEDGEMENT

STATE OF NEW JERSEY)
)
COUNTY OF HUDSON) ss.:

On the 7TH day of August, 2023, before me, the undersigned, personally appeared MAHESH RATANJI, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.




NOTARY PUBLIC